



# DATA PRIVACY NOTICE - SOUTH AFRICA

## DATA PROTECTION UNDER THE PROTECTION OF INFORMATION ACT (POPIA)

### NOTIFICATION TO UBS INSTITUTIONAL/CORPORATE CLIENTS OR INVESTORS

To run our business, UBS processes information about individual and juristic persons including information about our current and former clients and their employees, directors, officers, shareholders, advisors, agents, individual representatives or other natural persons connected with a corporate entity (“**you**”).

UBS takes privacy seriously. This Privacy Notice (“**Notice**”) contains information on what Personal Information the UBS entities in South Africa referred to in Section 10 (“**UBS**”, “**we**”, “**our**”, or “**us**”) and other companies of the group to which we belong (the “**UBS Group**”) collect(s), what we do with that information, and what rights you have in relation to your Personal Information. “**Personal Information**” is any information that relates to an identified or identifiable living natural person or identifiable existing juristic person.

As an institutional/corporate client and/or investor of UBS, please make sure that other natural and juristic persons connected with your business are made aware of the content of this Notice and provided with a copy thereof before sharing any Personal Information with UBS.

As part of our commitment to protect Personal Information we want to inform you in a transparent manner:

- why and how UBS collects, uses and stores your Personal Information;
- the lawful basis on which Personal Information is processed; and
- what your rights are in relation to such processing and how you can exercise them.

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### 1 What does this Notice cover?

This notice applies to any and all forms of use of Personal Information (“**processing**”) by us in South Africa relating to you as a former, current or prospective client of any of the UBS entities listed in section 10 and relating to employees, directors, officers, shareholders, advisors, agents, individual representatives or other natural persons connected with you.

## 2 What types of Personal Information do we collect?

For prospective clients with whom we have not yet made contact, we may collect (to the extent permitted by applicable law):

- personal details such as name of the Corporate/Institution, address, other contact information (telephone, e-mail address).

For former and current clients or prospective clients with whom we are taking steps to enter into a contractual relationship, we collect (to the extent permitted by applicable law):

- personal details such as name of the Corporate/Institution, identification number, phone number, address;
- financial information, including transaction records, financial statements, and investments (including your investment objectives);
- tax-related information;
- details of our interactions with you;
- identifiers we assign to you.

In some cases, we collect this information from public registers, public administration or other third-party sources and other UBS Group entities.

For **natural persons** connected with you as a UBS institutional / corporate client and/or investor, we may collect on Data Subjects (to the extent permitted by applicable law):

- personal details such as name, identification number, date of birth, KYC documents (including a copy of the Data Subject's national identity card or passport);
- business contact details such as phone number, physical address and electronic mailing address;
- professional information such as job title and work experience;
- details of our interactions with the Data Subject; and records of phone calls between any Data Subject and UBS.

Where required, the Personal Information that we collect will also include special personal information (such as data about racial and ethnic origin, religious beliefs and other beliefs of a similar nature, and health data) in each case where permitted by applicable law.

For our usage of cookies and other tracking technologies in relation to UBS websites please also refer to the UBS Website Usage and Cookie Notice available [here](#).

## 3 For which purpose do we process Personal Information and what basis do we rely on?

### 3.1 Purposes of processing

We always process your Personal Information for a specific purpose and only process the Personal Information which is relevant to achieve that purpose. In particular, we process Personal Information, within applicable legal limitations, for the following purposes:

- a) Client Onboarding. For example:
  - to verify your identity and assess your application (including the need for guarantees or other securitisation tools) if you apply for credit. For legal and regulatory compliance checks (for example, to comply with anti-money laundering regulations, and prevent fraud), please see Section e) below.

- b) Client Relationship Management. For example, to:
- manage our relationship with you, including communicating with you in relation to the products and services you obtain from us and from our business partners, handling customer service-related queries and complaints.
- c) Product Implementation and Execution. For example, to:
- provide products and services to you and ensuring their proper execution, for instance by ensuring that we can identify you and make payments to and from your accounts in accordance with your instructions and the product terms;
  - perform underwriting.
- d) Engaging in Prospecting and Business Development and / or Protecting and Enhancing the UBS brand. For example, to:
- evaluate whether and how UBS may offer products, services and events - including those offered by us, UBS Group entities, and our other business partners - that may be of interest to you;
  - contact you for direct marketing purposes about products and services we think will be of interest to you, including those offered by us, UBS Group entities, and our other business partners, and facilitating competitions and promotions.
- e) Compliance and Risk Management and / or Crime Prevention, Detection and Investigation. For example, to:
- carry out legal and regulatory compliance checks as part of the onboarding process, including to comply with anti-money laundering regulations and fraud prevention;
  - meet our on-going regulatory and compliance obligations (e.g., laws of the financial sector, anti-money laundering and tax laws), including in relation to recording and monitoring communications, apply a risk classification to ongoing business relationships, disclosures to tax authorities, financial service regulators and other regulatory, judicial and governmental bodies or in proceedings and investigating or preventing crime;
  - receive and handle complaints, requests or reports from you or third parties made to designated units within UBS or the UBS Group;
  - reply to any actual or potential proceedings, requests or the inquiries of a public or judicial authority;
  - prevent and detect crime, including fraud or criminal activity, misuses of our products or services as well as the security of our IT systems, architecture and networks;
  - undertake transactional and statistical analysis, and related research.
- f) Supporting, Enhancing and Maintaining UBS's technology. For example, to:
- take steps to improve our products and services and our use of technology, including testing and upgrading of systems and processes, and conducting market research to understand how to improve of our existing products and services or learn about other products and services we can provide.
- g) Other purposes. For example:
- for the UBS Group's prudent operational management (including credit and risk management, technological support services, reporting, insurance, audit, systems and products training and administrative purposes);

- to enable a transfer, merger or disposal to a potential buyer, transferee, merger partner or seller and their advisers in connection with an actual or potential transfer, merger or disposal of part or all of UBS's business or assets, or any associated rights or interests, or to acquire a business or enter into a merger with it;
- to collect data to ensure the security of buildings, the safety of staff and visitors, as well as property and information located, stored on or accessible from the premises, to prevent, and if necessary, investigate unauthorized access to secure premises (e.g., maintaining building access logs and CCTV system images to prevent, detect and investigate a theft of equipment or asset owned by UBS, visitor or staff, or threats to the safety of personnel working at the office);
- to exercise our duties and/or rights vis-à-vis you or third parties.

### **3.2 Basis for the processing of Personal Information**

Depending on the purpose of the processing activity (see Section 3.1), the legal basis for the processing of Personal Information will be one of the following:

- necessary to carry out actions for the conclusion or performance of a contract to which you are a party, or for carrying out our obligations under such a contract;
- required to meet our legal or regulatory obligation, including when we conduct legal and regulatory compliance checks and make the disclosures to authorities, regulators and government bodies such as when we use your data for some of the purposes in Section 3.1 e) and g). as required by the Financial Intelligence Centre Act 38 of 2001, the Prevention of Organized Crime Act 121 of 1998, the Protection of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004, the Prevention and Combating of Corrupt Activities Act 12 of 2004, and other applicable regulations;
- necessary for the legitimate interests of UBS or of a third party to whom the information is supplied. See below examples of legitimate interests of UBS; or
- we have obtained prior consent (for instance where required by law or when we process special Personal Information such as medical information).

Examples of the "legitimate interests" of UBS referred to above are:

- manage our relationship with you and to help us to learn more about you as a client, the products and services you receive, and other products and services you may be interested in receiving;
- evaluate whether and how UBS may offer products, services and events that may be of interest to you;
- to prevent fraud or criminal activity, misuses of our products or services as well as the security of our information, IT systems, architecture and networks and security of UBS premises;
- to receive and handle complaints, requests or reports from you or third parties made to designated units within UBS or the UBS Group;
- to take steps to improve our products and services and our use of technology and to conduct market research;
- to cooperate with a request made in any actual or potential proceedings or the inquiries of a public or judicial authority;
- certain situation when we make the disclosures referred to in Section 5 below, providing products and services and assuring a consistently high service standard across the UBS Group, and keeping our clients, employees and other stakeholders satisfied.

in each case provided such interests are not overridden by your privacy interests.

Failure to provide us with personal information that we need to collect to meet our legal or regulatory obligations may entail the possibility of not being able to on-board you as a client or provide products or services to you (in which case we will inform you accordingly).

#### **4 How do we protect Personal Information?**

All UBS employees accessing Personal Information must comply with our internal rules and processes in relation to the processing of Personal Information to protect them and ensure their confidentiality.

UBS and the UBS Group have also implemented adequate technical and organisational measures to protect Personal Information against unauthorised, accidental or unlawful destruction, loss, alteration, misuse, disclosure or access and against all other unlawful forms of processing.

#### **5 Who has access to Personal Information and with whom are they shared?**

##### **5.1 Within the UBS Group**

We may share Personal Information with other UBS Group companies in order to ensure a consistently high service standard across our group, and to provide services and products to you. Other companies of the UBS Group may process Personal Information on behalf and upon request of UBS.

##### **5.2 Outside UBS and the UBS Group**

###### **5.2.1 Third Parties**

We share Personal Information with other credit and financial services institutions, comparable institutions and to our professional advisers and consultants to perform the business relationship with you. In particular, when providing products and services to you, we will share Personal Information with persons acting on your behalf or otherwise involved (depending on the type of product or service you receive from us), including, where relevant the following types of companies:

- a party acquiring interest in, or assuming risk in or in connection with, the transaction (such as an insurer);
- issuers of securities (including third parties appointed by them) in which you have an interest, where such securities are held by third party banks for you;
- payment recipients, beneficiaries, account nominees, intermediaries, correspondent and agent banks (including custodian banks);
- clearing houses, and clearing or settlement systems and specialised payment companies or institutions such as SWIFT;
- market counterparties, upstream withholding agents, swap or trade repositories, stock exchanges;
- other financial institutions, credit reference agencies or credit bureaus (for the purposes of obtaining or providing credit references);
- any third-party fund manager who provides asset management services to you; and
- any introducing broker to whom we provide introductions or referrals;
- lawyers, auditors, accountants, and insurers providing legal, audit, consultancy, accounting or insurance services to us.

###### **5.2.2 Service Providers**

In some instances, we also share Personal Information with our suppliers, who are contractually bound to confidentiality, such as IT hardware, software and outsourcing providers, logistics, mail, courier, printing services and storage providers, marketing and communication providers, facility management companies, market data service providers, transportation and travel management providers and others. When we do so we take steps to ensure they meet our data security standards, so that Personal Information remains secure.

Service providers are thereby mandated to comply with a list of technical and organisational security measures, irrespective of their location, including measures relating to: (i) information security management; (ii) information security risk assessment and (iii) information security measures (e.g., physical controls; logical access controls; malware and hacking protection; data encryption measures; backup and recovery management measures).

### **5.2.3 Public or regulatory authorities**

If required from time to time, we disclose Personal Information to public authorities, regulators or governmental bodies, courts or party to proceedings, where we are required to disclose information by applicable law or regulation, under a code of practice or conduct, at their request, or to safeguard our legitimate interests.

### **5.2.4 Others**

- A potential buyer, transferee, merger partner or seller and their advisers in connection with an actual or potential transfer or merger of part or all of UBS's business or assets, or any associated rights or interests, or to acquire a business or enter into a merger with it;
- Any legitimate recipient required by applicable laws or regulations.

### **5.3 Data transfers to other countries**

The Personal Information transferred within or outside UBS and the UBS Group as set out in sections 5.1 and 5.2, is in some cases also processed in other countries. We only transfer your Personal Information abroad to countries which are considered to provide an adequate level of data protection, or in the absence of such legislation that guarantees adequate protection, based on appropriate safeguards (e.g., standard contractual clauses adopted by the European Commission to the extent recognized by the competent Data Protection Authority or another statutory exemption) provided by local applicable law.

A list of the countries in which UBS and the UBS Group operate can be found at <https://www.ubs.com/global/en/our-firm/locations.html>.

## **6 How long do we store your information?**

We will only retain Personal Information for as long as necessary to fulfil the purpose for which it was collected or to comply with legal, regulatory or internal policy requirements. To help us do this, we apply criteria to determine the appropriate periods for retaining your Personal Information depending on its purpose. In general, although there may be limited exceptions, data is kept for the time period defined in the UBS Records Retention Schedule.

As far as necessary, we will keep your records for the duration of our banking relationship subject to applicable legal and regulatory requirements. In addition, we might process your information after the termination of our banking relationship for operational purposes in accordance with the applicable laws as well as pursuant to various retention and documentation obligations.

However, if you wish to have your Personal Information removed from our databases, you can make a request as described in section 7 below, which we will review as set out therein.

## **7 What are your rights and how can you exercise them?**

### **7.1 Your rights**

You have a right to access and to obtain information regarding your Personal Information that we process. If you believe that any information we hold about you is incorrect or incomplete, you may also request the correction of your Personal Information.

You also have the right to:

- object to the processing of your Personal Information;
- object to the processing of your Personal Information for purposes of direct marketing;
- request the erasure of your Personal Information;
- request restriction on the processing of your Personal Information; and/or
- withdraw your consent where UBS obtained your consent to process Personal Information (without this withdrawal affecting the lawfulness of any processing that took place prior to the withdrawal).



When Personal Information is processed for direct marketing purposes, your right to object extends to direct marketing, including profiling to the extent it is related to such marketing. You may object to direct marketing by clicking the "unsubscribe" link in any of our emails to you, or by emailing us at the addressed indicated in section 7.2 at any time.

UBS will honour such requests, withdrawal or objection as required under applicable data protection rules but these rights are not absolute: they do not always apply and exemptions may be engaged. We will usually, in response to a request, ask you to verify your identity and/or provide information that helps us to understand your request better. If we do not comply with your request, we will explain why.

In certain circumstances UBS may process your Personal Information through automated decision-making. Where this takes place, you will be informed of such automated decision-making that uses your Personal Information and be given information on criteria and procedures applied. You can request an explanation about automated decision making carried out and that a natural person reviews the related decision where such a decision is exclusively based on such processing.

## 7.2 Exercising your rights

To exercise the above rights, please send an e-mail to [sh-ibdiso@ubs.com](mailto:sh-ibdiso@ubs.com).

If you are not satisfied with how UBS processes your Personal Information, please let us know and we will investigate your concern. Please raise any concerns by contacting the Group Data Protection Office at [dpo-mena@ubs.com](mailto:dpo-mena@ubs.com).

If you are not satisfied with UBS' response, you have the right to make a complaint to the Data Protection Authority. The contact details of the Data Protection Authority can be found at the following website: <https://www.justice.gov.za/inforeg/contact.html>.

## 8 Changes to Personal Information

We are committed to keeping your Personal Information accurate and up to date. Therefore, if your Personal Information changes, please inform us of the change as soon as possible.

## 9 Updates to this Notice

This Notice was updated in August 2022. It is a Notice explaining what UBS does, rather than a document that binds UBS or any other party contractually. We reserve the right to amend it from time to time. Any amendment or update to this Notice we will make available to you [here](#). Please visit the UBS website frequently to understand the current Notice, as the terms of this Notice are closely related to you.

## 10 List of UBS entities covered by this Notice:

Entity Name	Registered Address
UBS South Africa (Proprietary) Limited	144 Oxford road, 8 <sup>th</sup> floor South Wing, Melrose, Gauteng, 2196, South Africa

If you have any questions or comments about this notice, please contact the Group Data Protection Office at the following email address: [dpo-mena@ubs.com](mailto:dpo-mena@ubs.com)